

**Detailed Action**

1. This office action is for amendment received on 4/7/2008.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dennis Defino on 4/17/2008, for the amending of the independent claims with the limitations as shown in below.

**For claim 4:**

**In line 1, after the word "apparatus", insert**

----- for transmitting to an operation apparatus, said information transmitting-----.

**In line 2 of 4th paragraph, after the word "transmitted", insert**

-----to the operation apparatus for immediate response to the operation apparatus-----.

**For claim 7:**

**In line 2 of 5th paragraph, after the word "transmitted", insert**

-----to the operation apparatus for immediate response to the operation apparatus-----.

**For claim 9:**

**In line 2 of second paragraph, after "apparatus", insert**

----- for transmitting to an operation apparatus, said information transmitting apparatus-----.

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**In line 2 of 5th paragraph, after the word "transmitted", insert**

-----to the operation apparatus for immediate response to the operation apparatus-----.

**For claim 12:**

**In line 2 of 4th paragraph, after the word "transmitted", insert**

-----to the operation apparatus for immediate response to the operation apparatus-----.

### **Allowable Subject Matter**

3. The following is an examiner's statement of reasons for allowance:

Claims 4, 7-10, 12, 14-15, 16 are allowable over the prior art of record. The prior arts fail to teach the allowable features, singly, particularly, or in combination or rendering obviousness.

The prior arts fail to teach the amended allowable limitations in the independent claims 4, 7, 9, 12, such as the underlined in claim 4 below:

**Claim 4**, (Currently Amended) An information transmitting apparatus for transmitting to a operation apparatus, said information transmitting apparatus comprising:

an information storage part for storing information which includes an authentication identifier which identifies the information transmitting apparatus;

a sensing part for sensing a speed or an acceleration of the information transmitting apparatus; and

an information transmission part for changing a characteristic of a signal that affects the distance the information is transmitted to the operation apparatus for immediate response to the operation apparatus based on the speed or the acceleration, and

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for transmitting the information which includes the authentication identifier,  
a controller for selecting a predetermined power according to each of a plurality  
of ranks of the speed or the acceleration,  
wherein the information transmission part transmits the stored information  
according to the selected predetermined power, and  
as the speed or the acceleration of the information transmitting apparatus increases,  
a subsequent rank of all the plurality of ranks is elected as the predetermined power.

The closest prior art, **Olson [ US 2003/0197,594 A1]**, teaches the transmitted control data from 12 is a fixed code, rolling code or other cryptographically encoded control code [paragraph 0028], having the wireless controlling system 12, for security gate control system, home security system, garage door opener, [ Fig. 2, paragraph 0024]; the distance sensor 52 measures the velocity of vehicle 10 [ last 9 lines of paragraph 0027]; the transmitter of transceiver 54 of system 12 & the distance sensor 52 are mounted on the vehicle [ paragraph 0023, 0027], the transmitter in vehicle 10 transmits control signal based on the distance proximity between vehicle system 12 & home system 18 [ paragraph 0030], but fails to teach the above allowable limitations.

**Baker et al. [ US 2006/0217,143 A1]** teaches a microcontroller 112/PC means 118 for selecting the transmitting power [paragraph 0020]; according to the speed range in each rank, from less than 2, 2-30, 30-80, above 80 Km/h [ paragraph 0040], the information transmitting part of the MS 110 transmits the stored information with different transmit power level according to the speed range in each rank, from less 2, 2-30, 30-80, above 80 Km/h [Fig. 1, paragraph 0020-0021, 0032, 0040-0041], but fails to teach the above allowable limitations.

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Other prior arts in below are also considered, but they fail to teach the above allowable features.

**Doyle et al. [ US 5,974,356]** teaches the system and method for determining vehicle travel routes and mileage [ abstract, col. 3, lines 26-38 & col. 5, lines 24-40, Fig. 3A, Fig. 5 ].

**Kubo et al. [ US 6,249,682 B1]** teaches the apparatus and method for estimating speed in a mobile communication [ abstract, Fig. 1-10, Fig. 28, col. 4, lines 16-35, col. 4, lines 16-22, col. 2, line 65 to col. 3, line 12 ].

**Fitzgibbon et al. [ US 2003/0210,131 A1 ]** teaches the control circuit 150 authenticates users [paragraph 0041-0042], receiver 146 in paragraph 0040]; the open, close, for the garage door [ paragraph 0042].

**Westerlage [ US 5,970,481 ]** teaches the detecting the acceleration of mobile 22 in vehicle 20 for current position information [ col. 4, lines 21-31] & transmitting vehicle information, traveled distance, to remote location [ col. 4, lines 44-67; 22, Fig. 5-6].

Other prior arts are also considered. They are: **Jalali et al. [ US 6,154,659]**, **Dobrica [ Us 6,070,086]**, **Endo et al. [ US 6,035,210]**, **Tiedemann et al. [ US 6,035,209]**, **Ali et al. [ US 5,896,411 ]**, **Wheatley [ US 5,267,262]**, **Gilhousen et al. [ US 5,257,283]**, **Hwang et al. [ US 7,283,836 B2]**, **Banerjee [ US 7,228,146 B2]**.

#### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow /C. C./  
Examiner, Art Unit 2618  
April 17, 2008.

/Edward Urban/  
Supervisory Patent Examiner, Art Unit 2618